

December 21, 2004

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RE: DSS Proposed TANF Regulations [8 DE Reg. 670 (November 1, 2004)]

The Delaware Developmental Disabilities Council has reviewed the proposed TANF regulations and would like to share the following comments.

DSS proposes 3 amendments home its TANF standards.

First, it amends the name of the name of the program. This is unobjectionable.

Second, although TANF eligibility is generally time-limited, there are exceptions. One exception is the necessity of a parent to care for a child or adult with disability in the home. See §3003, 1<sup>st</sup> bullet. DSS proposes to require a statement or completed form from a medical professional verifying that “the person is needed in the home to care for the disabled family member.” We have two observations.

A. It would be preferable to amend the references to read “medical or licensed mental health professional” to permit a licensed clinical psychologist or licensed clinical social worker to provide the verification. Alternatively, a sentence could be added at the to read as follows: For purposes of this paragraph, the term “medical professional” shall include a licensed mental health professional (e.g. psychologist; LCSW).” The latter amendment would be more consistent with use of a “Medical Certification form”. In the context of mental illness or mental retardation, such non-medical professionals may be the primary expert on the child or family member’s impairments.

B. References to “disabled family member” in the proposed amendment do not reflect “people-first” language. Unfortunately, similar terminology is used in §3003, 1<sup>st</sup> bullet, which is not earmarked for amendment. For a variety of reasons, revision of the new sentence may not be preferred at this time. The substance of the regulation does not restrict eligibility.

Third, DSS adds a sentence intended to clarify the extent of expected employment for TANF recipients in the Work for Your Welfare program. Unfortunately, the added sentence is not grammatically correct and is difficult to understand. The sentence reads as follows:

Additionally, all TANF recipients who are employed must earn at least the equivalent of minimum wage at twenty hours per week will be considered mandatory for Work for Your Welfare.

Perhaps a phrase or provision was inadvertently omitted. In any event, the sentence will have to be revised to ensure clarity of intent.

We want to thank you for allowing us to comment on the regulations. Feel free to contact our office staff at 739-3333 for any questions or clarifications.

Sincerely,

Anthony L. Horstman  
Chair

CC: State Council for Persons with Disabilities  
Governor's Advisory Council for Exceptional Citizens